

The Treaty of Lisbon and its Article 11

The entry into force of the Treaty of Lisbon represents a significant step forward in European integration. The provisions of the new Treaty on democratic principles state that “functioning of the Union” is based on “representative democracy”, and that this in turn consists of public participation, both indirect and direct. As well as parliamentary democracy, the European democratic model is expanded and strengthened by participatory democracy being enshrined in the Treaty. Specifically, the provisions relating to participatory democracy (Article 11) include: horizontal civil dialogue (Article 11.1), vertical civil dialogue (Article 11.2), the Commission’s already existing consultation practices (Article 11.3) and the new European Citizens’ Initiative (Article 11.4).

The provisions set out in Article 11 are a milestone on the road to a Europe where citizens have real influence. The relevant legal basis is promising and raises the element mentioned above almost to constitutional level. Their nature, however, means that the framework has been set, but also that now it needs to be put into practice with appropriate arrangements and have life breathed into it by the stakeholders.

The Commission has taken a first step and has launched the procedure for implementing Article 11 (4) with a Green Paper published on November 2009, followed by a draft regulation that is currently being debated by the European Parliament (and should later be adopted by the Council too).

On the other hand, and in what concerns Article 11 (2), nothing much seems to be happening. This paragraph takes account of vertical civil dialogue and obliges the EU institutions to practise it regularly. Some time ago, in anticipation of this treaty provision, the Parliament founded the Agora, thus creating an instrument for vertical civil dialogue, and its Rules of Procedure expressly provide for one of its vice-presidents to have responsibility for structured dialogue with civil society. As Article 11 (2) requires all the institutions to engage in dialogue with civil society, the Council and the Commission are still to explain how they intend to implement this treaty article.

Organised Civil Society and its proposals

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women’s organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy group.

In 2009, in the run-up to the European elections and prior to the entry into force of the Treaty of Lisbon, a big group of European Civil Society Organisations (including the European Movement) have come together and adopted a “Manifesto for a genuine European civil dialogue”. Among other things, this document stated that “in addition to the relatively permanent and structured sectoral

dialogue that the European networks have succeeded in building up over the years with the European institutions, there is now a need to devise a structured, efficient and sustainable overall framework for European civil dialogue.” More specifically, in what concerns what is now Article 11(2), the Manifesto makes a call for: a formal framework for civil dialogue to be set up; the statutes of the European association, mutual society and foundation to be introduced; transparent and public criteria governing the representativeness of European civil society organisations to be defined and implemented.

Already this year, following the entry into force of the Treaty of Lisbon, this group of Civil Society Organizations adopted a new document, specifying a set of recommendations “towards a structured framework for European civil dialogue” (adopting European statutes for civil society organisations, identifying the players in the European civil dialogue, establishing eligibility criteria for participating in European civil dialogue, and institutionalising a framework for European civil dialogue) and defining expectations. Among the latter, these Organisations demand the preparation of a Green Paper on a structured framework for European civil dialogue as a fundamental feature of the implementation of Article 11 of the amended Treaty of the European Union, in parallel with the European Citizens’ Initiative. None of this has happened so far.

The European Movement and its role

The complexity of the current European sphere (the ongoing Europeanisation of policies, the diversity of actors and the need for conciliation, and the concept of Multi-level Governance and the role of organized civil society) accentuates the need of a concrete European process of integration, which needs to include forms of participatory democracy such as the European Citizens’ Initiative and the institutionalization of a dialogue with civil society and representative associations.

The European Movement should look at the provisions of the new Article 11 as the legal enshrinement of what the Movement has been pursuing for the last decades as its own object: “providing a structure to encourage and facilitate the active participation of citizens and civil society organizations in the development of a united Europe”. In this sense, the implementation of Article 11 is the natural mission of the European Movement itself, and substantial efforts should be made by the Movement to make it happen.

The action of the European Movement in this regard could be foreseen in many ways, involving all the stakeholders sharing what has been referred to as the “responsibility for integration”:

- Seek for the EU institutions to take their responsibility in consulting with and involving the European organized civil society in the policy-making process;
- Seek for the national (and regional and local) authorities to take their own responsibilities in consulting with and involving their National (and regional and local) organized civil society in the debates and the decisions around European issues;
- Seek for the Organized civil society itself (at the different levels) to take its own responsibility of being involved in the European debate, take part in the consultations and contribute to the European civil dialogue too, namely by being an interface between the citizens and the institutions.

These actions should be led by the European Movement International, with the support of its Member Organisations, and in co-operation with its civil society partners.